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# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

**Eighty-ninth session**

**Summary record of the 2426th meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 27 April 2016, at 3 p.m.

*Chair*: Ms. Crickley

## Contents

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)**

***Combined second to fifth periodic reports of Oman***

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*The meeting was called to order at 3.15 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)**

*Combined second to fifth periodic reports of Oman* (CERD/C/OMN/2-5 and CERD/C/OMN/Q/2-5)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

2. **Mr. Al Hadrami** (Oman), introducing his country's combined second to fifth periodic reports (CERD/C/OMN/2-5), said that the Government of Oman attached great importance to the fight against racial discrimination and was committed to working with the Committee to ensure the effective implementation of the Convention. The combined periodic reports had been prepared by a working group set up by the Council of Ministers which comprised representatives of a number of government ministries, the Office of the Public Prosecutor, the National Human Rights Commission and civil society. The working group was responsible for compiling and reviewing the information provided by government ministries and non-governmental organizations (NGOs) as part of the reporting process and in response to the Committee's previous concluding observations. It was also tasked with reviewing developments in domestic and human rights law, including laws and measures aimed at eliminating racial discrimination. In preparing the reports, the working group had taken account of the recommendations and guidance on national reporting that had emerged from international conferences on that subject.

3. The reports had been reviewed several times, including by civil society, to ensure that the comments and observations of all stakeholders were accurately reflected therein. A seminar held at the Sultan Qaboos University in March 2016 under the auspices of the National Human Rights Commission had provided an opportunity for academics, students and civil society representatives to discuss the content of the reports and to raise public awareness of the Convention, as the event had coincided with the International Day for the Elimination of Racial Discrimination and had thus received considerable media coverage.

4. As to the country's legal and institutional frameworks for the promotion and protection of human rights, attention should be drawn to the Basic Law of the State, the National Human Rights Commission and the National Committee for Combating Human Trafficking. The international human rights instruments ratified by Oman had been incorporated into the domestic legal framework and the relevant domestic laws had been brought into line with their provisions. In the event of any conflict between domestic law and such instruments, the latter prevailed.

5. To date, Oman had ratified four core international human rights instruments, namely the Convention on the Rights of the Child and the two Optional Protocols thereto; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities. The Government of Oman was continuing to examine the possibility of ratifying other international human rights instruments and of withdrawing its reservations to some of the instruments that it had already ratified.

6. In recent years, the Government of Oman had prioritized human development and had made considerable progress in realizing economic, social and cultural rights, particularly those relating to women, children, health and education, as attested by the *Human Development Report 2010*. The significant progress achieved by Oman in terms of human development was attributable to expeditious reforms carried out in the health and education sectors. Under the Basic Law of the State, health care was available free of

charge to all citizens and to foreign nationals working in the public sector. Residents working in the private sector also had access to health services. The Government of Oman prided itself on its efficient delivery of health-care services and funded over 80 per cent of the total expenditure on health care. Oman also remained one of the leading countries in the field of investment facilitation and had recently adopted new measures to encourage foreign investment in the country.

7. In Oman, education was free of charge until the end of the secondary cycle. The number of State and private schools had grown considerably over the previous few decades, as had the higher education enrolment rate. The Government of Oman was constantly working to improve the country's education system and had succeeded in significantly raising literacy rates. In 2010, 35 per cent of government expenditure had been allocated to the education sector.

8. Raising awareness of racial discrimination in the education sector was an ongoing process. Schools and universities had a duty to sensitize their students to that phenomenon. Human rights concepts, values and principles were gradually being incorporated into curricula at all levels, on the basis of a guide prepared by the Ministry of Education. The Ministry was also responsible for raising all children's awareness of human rights and, to that end, had produced a special booklet intended for primary school children.

9. With regard to employment, the Basic Law of the State enshrined the right and freedom of all citizens to engage in the work of their choice and prohibited forced labour. Furthermore, the Civil Service Code conferred equal rights and duties on all those holding public office, whether Omani or non-Omani, male or female. Omani law prohibited the recruitment of non-Omani workers without a permit from the Ministry of Manpower, required a legal employment contract to be drawn up, showing the name and address of the employer and information about the worker, such as his or her nationality and terms of employment; and guaranteed the right of migrant workers to move about freely and change occupation.

10. The Ministry of Manpower conducted periodic unscheduled inspections to monitor employers' compliance with labour standards and to ensure that migrant workers' rights were being respected. The Omani Labour Code laid down the conditions governing leave in the private sector and maternity leave, and regulated general working conditions, such as the duration of a working day, the payment of overtime and occupational safety and health. The Labour Code had been amended in 2006 to allow private sector workers to establish trade unions and workers' federations in accordance with international labour standards. In Oman, workers could exercise the right to strike and engage in collective bargaining in accordance with Omani law.

11. With reference to gender equality, the school enrolment rate of girls had reached 50 per cent and women accounted for 55 per cent of university students and around 43 per cent of civil servants. Women had the right to vote and to stand as candidates for the legislative assembly and could apply to hold government office on an equal footing with men. Moreover, the high education rate among women, the rise in the median age of marriage and an increase in birth spacing had led to a drop in the country's birth rate.

12. To ensure respect for children's rights, the Government of Oman had set up a national committee tasked with overseeing and monitoring the implementation of the Convention on the Rights of the Child and the Optional Protocols thereto.

13. The Basic Law of the State guaranteed freedom of opinion and expression and freedom of the press, and the right to form associations. Under the amended Press and Publication Act and the Private Radio and Television Companies Act, persons in the private sector were entitled to set up newspapers and publishing houses and establish and operate radio and television companies. The Public Authority for Radio and Television, which was

an independent, private legal entity, had been established in 2010. The Omani Journalists' Association had been established in November 2004 with the aim of promoting and protecting freedom of thought and expression.

14. Following the entry into force of the Convention on the Rights of Persons with Disabilities, the Government of Oman had tasked the relevant institutions with overseeing and monitoring its implementation. Omani law guaranteed persons with disabilities access to all professions and afforded children with disabilities special protection. The Omani courts and the Criminal Code offered protection to the most vulnerable segments of Omani society. It should also be noted that new mediation and conciliation tools had been made available to the parties to legal proceedings.

15. The Government's efforts to disseminate information on the provisions of the Convention included publishing the text of the instrument in its entirety in the Official Gazette; organizing seminars in cooperation with international organizations; and making the Convention the subject of television and radio programmes. The National Human Rights Commission also played an important role in raising awareness of the substantive provisions of the Convention.

16. **Mr. Bossuyt** (Country Rapporteur), noting that a working group had been set up to prepare the State party's report, said that the State party might wish to take advantage of technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) in order to set up a standing body to take charge of reporting to the United Nations treaty bodies and following up on concluding observations.

17. Notwithstanding the Committee's previous requests for data on the ethnic make-up of the country's population and the enjoyment of economic, social and cultural rights by the various social groups, the report contained no such data. Indeed, the State party had reiterated its position that applying the term "ethnic" to a particular social group would constitute racial discrimination, and that all citizens lived together in Omani society without discrimination.

18. Referring to paragraph 99 of the report, he noted that the State party took the view that the word "origin", used in the Basic Law, was synonymous with the word "race". The State party further asserted that there was no racial discrimination in Oman and therefore no definition of racial discrimination. He wondered how the State party could claim that there was no racial discrimination if it was not defined in law.

19. The Committee would welcome more information on the legislative measures taken to implement article 4 of the Convention, including the prohibition of organizations that promoted or incited racial discrimination, and on examples of court cases in which the Convention had been invoked or applied. It would also welcome information on progress in establishing an independent national human rights institution in line with the Paris Principles. According to reports, the National Human Rights Commission lacked independence and was subject to executive interference.

20. He requested information on the participation of minorities in public life and their representation in parliament, including statistical data on members of minority groups employed at all levels in public bodies, institutions and the administration. There was no information in the report on the ethnic make-up of the State Council, the Shura Council or the judiciary. He would also like detailed information on the situation of descendants of servant tribes and former slaves. According to reports, members of the Al Tawayya and Al Khalifayn tribes continued to suffer adverse economic and social consequences following a Ministry of the Interior decision to affiliate them to the Al Harithi tribe, which had effectively made them servants of that tribe. He would also welcome information on any affirmative action measures to prevent discrimination against those groups in the area of

employment. Descendants of former slaves or servant tribes were allegedly victims of discrimination and were more likely to be hired to perform low-paid jobs.

21. The Committee would welcome information on measures to abolish the sponsorship (*kafala*) system, which persisted despite recommendations from various international bodies, and to guarantee migrant workers all Convention rights, in particular freedom of movement and the right to free choice of employment. It would appreciate information on the impact of measures taken to prevent abuse of migrant workers by employers and agencies. What steps had been taken to extend freedoms and rights under the Basic Law to non-citizens?

22. One positive development was that the new nationality law allowed Omani women to transmit their nationality to their children. However, that was only possible under strict conditions; moreover, the new requirements for naturalization were more stringent for women than for men, and included the requirement to have had a male child with the Omani husband. Such differences of legal treatment between men and women were discriminatory and should be eliminated. Another matter of concern was the new provision authorizing revocation of the citizenship of persons whose associations could endanger the interests of Oman; that could lead to persons becoming stateless for exercising their freedom of expression, assembly or association. He would welcome further information on the new law.

23. Noting that all non-citizens, including asylum seekers and refugees, were covered by general immigration legislation, he asked what measures had been taken to develop a specific legal framework for asylum seekers and refugees. More effective measures to combat trafficking in persons would be welcome.

24. He noted with satisfaction that free health care was available to all Omanis and foreigners working in the public sector and that, in the private sector, employers bore the cost of health care for migrant workers. The Labour Code imposed limits on working hours and provided for protection against adverse working conditions. Employers were no longer permitted to retain migrant workers' passports.

25. Referring to the figures given in paragraph 39 of the State party's report, he asked whether it was correct to infer that there were nearly five times more foreign workers than Omani workers. He also wondered how to interpret the difference of a quarter of a million between the figure given in paragraph 128 for the total number of expatriate workers and the figure given in paragraph 39 for the number of expatriates with a work permit. Referring to paragraph 130 of the report, he requested more information about the outcome of the 5 per cent of labour complaints that were referred to a tribunal.

26. The situation of domestic workers was a matter of concern; it would appear advisable to extend the protection of the Labour Code to those workers. Referring to information received about an "Omanization plan", launched in 1988, he said that he would like to know more about its objectives, how it was being implemented and with what results. Was it true that many migrant workers were at risk of losing their jobs?

27. He would appreciate information about the content of the memorandums of understanding on labour signed with various countries, and whether they varied depending on the country concerned.

28. Mr. Avtonomov asked whether the State party was considering ratifying the amendment to article 8 of the Convention. Noting that the Convention had been incorporated into the State party's legal order, he wondered whether the Convention, and in particular its definition of racial discrimination, had been enforced or invoked in any domestic court proceedings.

29. The ongoing hostilities in Yemen raised the question whether Oman hosted refugees from that or any other country. If so, what were their living conditions? Given the number of foreign domestic workers in Oman, he would like to know whether the State party had ratified the ILO Domestic Workers Convention, 2011 (No. 189).

30. Did the State party have any relationship with the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC)? Noting that Oman had not ratified the Arab Charter on Human Rights, he wondered what the State party's attitude to that instrument was.

31. **Mr. Yeung Sik Yuen** asked whether or not the *kafala* system was covered by the Labour Code. If it was not, should he assume that the hotline for complaints under the Labour Code mentioned in paragraph 83 of the report would not deal with complaints concerning *kafala*? Referring to paragraph 57, he said that he would appreciate further details on the number of beneficiaries of the social security system and the amounts received.

32. With regard to the administration of justice and the independence of the judiciary, he requested information on the subject matter of the royal decrees referred to in paragraph 86 of the report. The report stated that the judiciary was separate from the executive, yet the Sultan was both the head of the executive and the head of the Supreme Judicial Council, which would seem to contradict that statement. He would appreciate the delegation's comments. He also wished to know who had conducted the assessment referred to in paragraph 87, which had given Oman a high global rating in terms of judicial impartiality and independence.

33. He wondered whether the 33 mediation and conciliation committees referred to in paragraph 89 were ad hoc bodies, each set up for a separate dispute, or standing bodies. If they were standing committees, why were 33 necessary?

34. Was capital punishment applied in Oman? If so, for what offences? What category of person was most likely to receive the death sentence — was it mainly applied to migrants?

35. The United States Department of State report mentioned in paragraph 208 had found that there was "generally free practice of religion but within defined parameters". He would like to know what those parameters were. Was it a criminal offence in Oman to convert from Islam to another religion, as it was in certain other Muslim countries?

36. As to the freedom of opinion and expression, he noted that the report quoted the Sultan as declaring in 2000, "... we will never allow anyone to stifle thought". The question, however, was not what went on in a person's mind but what would happen to that person if those thoughts were expressed in words. Only then could the degree of freedom be assessed.

37. **Mr. Murillo Martínez** commended the State party for observing the International Day for the Elimination of Racial Discrimination. Welcoming the progress made in eliminating discrimination against women, he asked about the reasons for the considerable disparity between the proportion of women employed in the public and the private sector, which stood at 43 per cent and 20 per cent, respectively. He would be interested to know what measures had been taken or were planned to implement the recommendation made during the 2011 universal periodic review that the State party should strengthen efforts to combat inequality faced by women in such areas as divorce, inheritance and child custody.

38. He wondered what progress had been made in implementing the recommendation concerning the elimination of discrimination against persons with disabilities and the education of children with disabilities. He would be interested to know what proportion of the migrant population was of African descent and what activities were planned to mark the International Decade for People of African Descent.

39. **Ms. Shepherd** said that Oman had made commendable efforts in the area of education. She would be interested to know more about the results of the educational programme for social studies and other subjects such as Arabic reading and Islamic studies, which included human rights concepts and concepts relating to peace, openness to other civilizations, acceptance of differences and cultural diversity, and whether it was meeting expectations in terms of the elimination of racial discrimination. She would welcome clarification of which "other civilizations" were covered in the curriculum. Noting that article 17 of the Basic Law referred to non-discrimination on the ground of colour in addition to various other grounds, she wondered who would be covered by that provision.

40. **Mr. Kemal** said that it was to be hoped that the interactive dialogue would give the State party's authorities a deeper understanding of the Convention and the areas that required further attention. It was important to recognize that racial discrimination took many different forms, and the social and historical factors that could give rise to such discrimination needed to be identified.

41. The Committee would be grateful for statistics, as requested in the list of themes, on the descendants of servant tribes and of former slaves. Discrimination against non-citizens, including migrants, was a problem that required immediate attention. While the recruitment of migrant workers had a positive impact on both the Omani economy and that of the sending countries, the *kafala* sponsorship system should be reviewed, as it adversely affected the rights of migrant workers. The lack of freedom of movement for migrant workers was also a serious concern. The Government should take more active measures to prevent the abuse and exploitation of migrant workers by unscrupulous employers. He wondered whether the Government had any plans to review its citizenship laws to facilitate access to citizenship for children born to an Omani mother and a foreign father.

42. **Mr. Marugán** said that the delegation should provide updated information on the appointment of labour inspectors since 2009, the total number of inspectors in the State party, the number of inspectors for the public sector, and whether there were any foreign inspectors. He would be interested to hear more about the content and outcome of the Decent Work Country Programme organized in collaboration with the International Labour Organization. He wished to know the proportion of Omani and non-Omani domestic workers and any differences in regulatory protection for the two groups. How many of the complaints lodged by workers were in relation to domestic work?

43. Noting that none of the complaints submitted by workers in 2010 had involved discrimination, he wondered how discrimination was defined and why there were no complaints of that nature. He requested details on the number and kinds of complaints concerning the Labour Code and the implementing regulations concerning domestic servants and foreign workers registered through the 24-hour hotline service and what follow-up action had been taken. He wondered whether there had been any campaigns to raise public awareness of the benefits of cultural diversity and the contribution of migrant workers and would welcome further information on media efforts to promote awareness of racial discrimination.

44. **Ms. Mohamed** said that she would welcome further information on the employment agencies operating in Oman that recruited foreign workers, including minors. Were they officially recognized and was there a law governing their activities? Was there any monitoring in place to prevent the recruitment of minors?

45. **Mr. Khalaf** said that he would be grateful for specific information on the kinds and number of civil society organizations operating in Oman and their activities. Noting with satisfaction that the Convention had been incorporated into national legislation, he wondered how exactly that had been achieved. Specifically, how had the definition contained in article 1 of the Convention and the requirements of article 4 on punishment

been incorporated into domestic law? He would welcome clarification of how the legal framework was organized and the different mandates of the Consultative Council and the State Council. In particular, he wished to know which body was responsible for the proposal, promulgation and amendment of legislation on racial discrimination, including the harmonization of laws with the Convention. He would be interested to hear of any court cases in which the Convention had been invoked or had taken precedence over the provisions of national legislation. While the establishment of the National Human Rights Commission was to be welcomed, it was essential that it be given full financial and moral independence so as to comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). He would be interested to hear more about the mandate and field of action of the Commission.

46. He expressed concern that domestic workers did not come under the scope of the Labour Code, could have their passports withheld, were at risk of sexual abuse, and were unable to change employers, which meant that, for all intents and purposes, they were under a *kafala* system, which was incompatible with human rights principles and international conventions. Measures must be taken to provide domestic workers with the necessary protection. He wondered whether domestic workers had the right to establish their own trade unions and whether Royal Decree No. 74/2006 was part of the legal framework governing domestic work. He would be interested to hear more about freedom of the press and regulations on censorship. Did the freedom to form associations also apply to the establishment of political parties?

47. **Mr. Lindgren Alves** said that he was impressed by the many positive developments in the social and economic fields referred to in the State party's report. However, it was surprising that the State party had not ratified either of the two main human rights treaties, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Did it plan to do so in the near future? On the subject of freedom of religion, was it possible to be an atheist in the State party?

48. The State party had not provided data on the ethnic composition of the population in its report and had asserted that its population was ethnically homogenous. It was difficult to imagine, however, that the population of a State with more than 3 million inhabitants comprised only one ethnic category. Did the State party recognize the existence of different tribes or of groups who might form communities separate from the rest of the population? Were other religions practised in the State party, apart from Islam?

49. **Mr. Calí Tzay** said that the State party's report was well structured and provided a good overview of the situation regarding racial discrimination. However, the Committee would like to know more about the salaries of foreign workers, in particular whether they received the same level of pay as Omani workers occupying the same position and having the same skills. The lack of judicial complaints of racial discrimination should not necessarily be interpreted as meaning that there was an absence of racial discrimination in the State party. In some States there was a lack of trust in the judicial system or in the Government, which was responsible for reluctance to submit such complaints. In accordance with the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, it was important for the Committee to have information on complaints of racial discrimination before the courts, the better to be able to monitor the situation and support the State party in implementing the provisions of the Convention.

50. **Ms. McDougall**, associating herself with the comments made and questions asked by her colleagues, said that the Committee would appreciate more information on the national origins of foreigners employed as domestic workers in the State party.

51. **Ms. Li Yanduan** said that it was clear from the State party's report that progress had been achieved in implementing the Convention. More information would, nonetheless, be appreciated on how many migrant workers were living in the territory of the State party without a legal permit and on how those workers were treated by the Government. Was the approach to migrant workers governed by a specific policy?

52. **Ms. Dah** said that the State party was to be commended for having agreed to withdraw its reservations to a number of international human rights instruments, and noted that it was also considering withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women. In paragraph 36 of the core document (HRI/CORE/OMN/2013) it was stated that Oman hoped to accede to a number of international human rights instruments in the near future. Was it possible to clarify whether that would be the case within the next two years?

53. On the subject of women's rights, in paragraph 81 of the core document it was stated that the Civil Service Act No. 8/80 provided that a woman was entitled to leave from her employment to accompany her spouse for a period of up to two years. In the reverse situation, were men entitled to the same type of leave? If not, would the State party consider amending the Act to introduce such a provision?

54. **The Chair**, echoing the remarks of the Country Rapporteur, said that the Committee would appreciate further clarification on the situation regarding the descendants of servant tribes and slaves. Migrant workers were non-citizens and thus among the most vulnerable sectors of the population; the Committee would therefore like to know more about the involvement of organizations representing migrant workers in drafting the State party's report. Would the State party consider focusing on awareness-raising among that group in light of the outcome of the dialogue with the Committee? Was further information available on the progress of women who belonged to minorities, another of the most vulnerable population groups in the State party?

55. **Mr. Al Hadrami** (Oman) said that the Government of Oman did its utmost to protect and promote human rights, through the implementation of the Convention and other instruments. On the subject of gender equality, it should be noted that two members of the delegation, one male and one female, had both travelled to attend the Committee's current session without their spouses. There was therefore no gender-based discrimination in such circumstances.

56. **Mr. Al Balushi** (Oman) said that Oman welcomed the dialogue with the Committee and would strive to improve its implementation of the Convention and to learn from the comments made by the members of the Committee. The Basic Law of the State was the primary legal instrument in Oman and contained a number of important terms and definitions. In the national legal order, international human rights instruments were given precedence, in accordance with articles 79 and 80 of the Basic Law. There was no definition of ethnicity in the Basic Law because the legal system granted the same civil and political rights to all Omani citizens, regardless of their ethnic origin or religion. The only person in the State who was required to be of Omani ethnic origin and descent was the Sultan. There was therefore no discrimination against any minorities.

57. The National Human Rights Commission had not applied for membership of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, but there was direct communication between the two bodies.

58. Statistics were not available on the number of women who were members of the State Council. However, in 2015 more than 20 per cent of the members appointed to the Shura Council had been women. There was no quota for the representation of women on the State Council and so the number varied from year to year. The elected Shura Council

had greater powers than the State Council, including monitoring powers. The State Council had only legislative and consultative powers.

59. **Mr. Al Rahbi** (Oman) said that there was an ongoing participatory process involving all stakeholders, to consider ratification of the two international human rights covenants as well as several other international human rights instruments. It was expected that there would be positive developments in that respect in the near future. On the subject of freedom of association and assembly, Oman had expressed its willingness to implement the majority of the recommendations made by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, during his visit to Oman. In certain areas, nonetheless, the Government considered that the Special Rapporteur might have exceeded his mandate and therefore expressed its disagreement with some of his recommendations.

*The meeting rose at 5.55 p.m.*